

Hardeman	Moore
Herring	Owen
Kennard	Patman
Krueger	Spears
Moffett	Word

Nays—14

Aikin	Ratliff
Bates	Reagan
Cole	Richter
Dies	Rogers
Harrington	Schwartz
Kazen	Strong
Parkhouse	Watson

Absent

Hazlewood

Accordingly the Senate at 12:05 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

FIFTY-SECOND DAY

(Tuesday, April 9, 1963)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Kennard	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 49, A bill to be entitled "An Act amending certain parts of Acts 1933, 43rd Leg., p. 843, ch. 241, as amended by Acts 1934, 43rd Leg., 2nd C. S., p. 63, ch. 21, by Acts 1941, 47th Leg., p. 625, ch. 377, by Acts 1943, 48th Leg., p. 33, ch. 31, and by Acts 1961, 57th Leg., p. 264, ch. 139, sec. 1, particularly subsection (a) thereof, by providing for transfer to and vesting in the Department of Public Safety of the State of Texas all authority and power heretofore delegated and granted by said Acts to the Commissioner of Labor Statistics with respect to boxing contests and wrestling matches; providing for transfer of personnel, property, equipment and records now a part of and the duties, functions and responsibilities of the Bureau of Labor Statistics to and placement under jurisdiction of the Department of Public Safety; further defining its power and duties; repealing all conflicting laws but retaining in full force and effect existing provisions regulating boxing and wrestling; providing for transfer of funds credited to the Bureau of Labor Statistics to the credit of the Department of Public Safety; providing severability; and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act amending Section 1 of Chapter 159, Acts of the 54th Legislature, Regular Session, 1955, as amended, compiled as Article 989a, Vernon's Code of Criminal Procedure, so as to establish the office of Medical Examiner in all counties having a population of more than five hundred thousand (500,000), according to the last preceding census; and declaring an emergency."

S. C. R. No. 46, Granting a half day holiday to State employees on Good Friday.

H. B. No. 503, A bill to be entitled "An Act providing that the Supreme Court may grant certain attorneys who have practiced law in a state of the United States and who are the holders of one or more degrees, including the degree of Bachelor of Laws, from a recognized university

of the first class, and who have heretofore engaged in the practice of law, which was interrupted by reason of military service in the Armed forces of the United States, and who has thereafter resided in the State of Texas twenty (20) years or more, and who has during his period of residence in this state been engaged in civic undertakings and activities for the advancement of the public interest, a license to practice law in the State of Texas without taking examination, provided such applicant meets the requirements as to moral character and provided that evidence of his qualifications as herein prescribed is supplied by affidavit or otherwise to the Supreme Court; and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 230 by non-record vote.

H. B. No. 598, A bill to be entitled "An Act relating to the functioning of the Court of Domestic Relations in and for Tarrant County, Texas; amending Section 9 of Chapter 6, Acts of the 57th Legislature, 1962, Third Called Session, by adding a sentence thereto providing that the Judge of such Court of Domestic Relations may sit and hear proceedings in the other District Courts of Tarrant County, Texas, of which such Court of Domestic Relations would have potential jurisdiction; and declaring an emergency."

House has appointed the following Conference Committee on H. B. No. 50: Harding, Cook, Cotten, Slider and Woods.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Senate Resolution 371

Senator Blanchard offered the following resolution:

Whereas, We are honored to have as a visitor in the Senate, Miss Valdene Garner of Brownfield, Terry County, Texas, whose outstanding beauty and talents have won for her the coveted title "Queen of the Texas Farm Bureau"; and

Whereas, This young Texas beauty twenty years of age, a junior student in Texas Technological College at Lubbock, Texas, majoring in Govern-

ment and English, and is the daughter of Mr. and Mrs. Val Garner; and

Whereas, Miss Garner was selected as Queen of the Farm Bureau at the 29th Annual Farm Bureau Convention in San Antonio, Texas, on November 12, 1962; and

Whereas, She was honored as the outstanding beauty of Texas Technological College, being named "Miss Mademoiselle;" and

Whereas, She was active in the Order of Rainbow for Girls in high school, is a member of Sigma Kappa Sorority at Texas Tech, and is a legislator and social director for her dormitory; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That her presence be recognized by the Senate of Texas, and that this charming young lady be extended the official welcome of the Senate, and that she be invited to address the Senate, and that this charming young lady be extended the Senate's congratulations on the honor she has been awarded, and that we convey to her our best wishes for a most happy and successful future.

The resolution was read and was adopted.

The President announced the appointment of the following as a committee to escort Miss Garner and her party to the President's Rostrum: Senators Blanchard, Kazen, Kennard, Owen and Strong.

The President presented Senator Blanchard and he introduced Miss Valdene Garner of Brownfield, the "Queen of the Texas Farm Bureau," to the members of the Senate.

Miss Garner addressed the Senate expressing appreciation for the opportunity of addressing the Senate stating that it meant so much to her now and in her later life for the great honor bestowed upon her today.

Reports of Standing Committees

Senator Hardeman submitted the following reports:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 318, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 371, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 390, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 94, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 44, have had the same under consideration, and I am instructed to report it back to the Sen-

ate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 57, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Dies submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 690, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 85, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

AIKIN, Chairman.

C. S. S. B. No. 85 was read the first time.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 343, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 370, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 416, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 352, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. B. No. 392, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to which was referred S. C. R. No. 29, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Creighton submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 511, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

House Bill 565 Re-referred

On motion of Senator Krueger and by unanimous consent H. B. No. 565 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

Senate Bill 453 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent

Moore

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Hardeman:

S. B. No. 453, A bill to be entitled "An Act amending Sections 22(a) and (c) of Article IV, Chapter 173, Acts, Regular Session, 47th Legisla-

ture, as heretofore amended (codified as Subsections (a) and (c), Section 22, Article 6687b, Vernon's Annotated Civil Statutes), so as to clarify the provisions thereof relative to the suspension of drivers licenses and appeals from orders of suspension, fixing the maximum length of suspension, and expressing more fully the legislative intent; and declaring an emergency."

To the Committee on Jurisprudence.

Senate Bill 454 on First Reading

By unanimous consent the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Schwartz:

S. B. No. 454, A bill to be entitled "An Act providing for additional compensation for the Criminal District Attorney of Galveston County, Texas; providing for salaries to be paid the assistants and employees of said office; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 440, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senator Hazlewood by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 86, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Sub-

stitute adopted in lieu thereof do pass and be printed.

HAZLEWOOD, Chairman.

C. S. H. B. No. 86 was read the first time.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 314, To the Committee on Counties, Cities and Towns.

H. B. No. 315, To the Committee on Counties, Cities and Towns.

H. B. No. 316, To the Committee on Counties, Cities and Towns.

H. B. No. 317, To the Committee on Counties, Cities and Towns.

H. B. No. 367, To the Committee on Counties, Cities and Towns.

H. B. No. 371, To the Committee on State Departments and Institutions.

H. B. No. 502, To the Committee on Counties, Cities and Towns.

H. B. No. 528, To the Committee on Labor and Management Relations.

H. B. No. 554, To the Committee on Counties, Cities and Towns.

H. B. No. 556, To the Committee on Counties, Cities and Towns.

H. B. No. 560, To the Committee on Jurisprudence.

H. B. No. 562, To the Committee on Game and Fish.

H. B. No. 580, To the Committee on Game and Fish.

H. B. No. 588, To the Committee on Counties, Cities and Towns.

H. B. No. 590, To the Committee on Game and Fish.

H. B. No. 595, To the Committee on Water and Conservation.

H. B. No. 601, To the Committee on Jurisprudence.

H. B. No. 602, To the Committee on Game and Fish.

H. B. 603, To the Committee on Insurance.

H. B. No. 622, To the Committee on Counties, Cities and Towns.

H. B. No. 627, To the Committee on Counties, Cities and Towns.

H. B. No. 629, To the Committee on Jurisprudence.

H. B. No. 631, To the Committee on Water and Conservation.

H. B. No. 638, To the Committee on Counties, Cities and Towns.

H. B. No. 639, To the Committee on Game and Fish.

H. B. No. 654, To the Committee on Insurance.

H. B. No. 661, To the Committee on Counties, Cities and Towns.

H. B. No. 675, To the Committee on Water and Conservation.

H. B. No. 694, To the Committee on Counties, Cities and Towns.

H. B. No. 713, To the Committee on Game and Fish.

H. B. No. 716, To the Committee on State Affairs.

H. B. No. 721, To the Committee on Jurisprudence.

H. B. No. 759, To the Committee on Game and Fish.

H. B. No. 768, To the Committee on State Affairs.

H. B. No. 781, To the Committee on State Affairs.

H. B. No. 783, To the Committee on State Affairs.

H. B. No. 786, To the Committee on State Affairs.

H. B. No. 863, To the Committee on Insurance.

H. B. No. 871, To the Committee on Legislative, Congressional and Judicial Districts.

H. B. No. 902, To the Committee on Jurisprudence.

H. B. No. 922, To the Committee on Game and Fish.

H. B. No. 986, To the Committee on Counties, Cities and Towns.

H. B. No. 503, To the Committee on State Affairs.

H. B. No. 598, To the Committee on Counties, Cities and Towns.

H. B. No. 460, To the Committee on Counties, Cities and Towns.

H. B. No. 450, To the Committee on Counties, Cities and Towns.

H. B. No. 429, To the Committee on Counties, Cities and Towns.

H. B. No. 572, To the Committee on Counties, Cities and Towns.

H. B. No. 708, To the Committee on Counties, Cities and Towns.

H. B. No. 782, To the Committee on Jurisprudence.

H. B. No. 980, To the Committee on Counties, Cities and Towns.

H. B. No. 446, To the Committee on Insurance.

H. B. No. 432, To the Committee on Counties, Cities and Towns.

H. B. No. 990, To the Committee on Counties, Cities and Towns.

Reports of Standing Committees

Senator Creighton by unanimous consent submitted the following re-report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 922, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 454, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 990, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

**Committee Substitute House Bill 86
Ordered Not Printed**

On motion of Senator Hazlewood and by unanimous consent C. S. H. B. No. 86 was ordered not printed.

House Bill 990 Ordered Not Printed

On motion of Senator Owen and by unanimous consent H. B. No. 990 was ordered not printed.

Senate Bill 394 Re-referred

On motion of Senator Patman and by unanimous consent S. B. No. 394 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

House Bill 922 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 922 was ordered not printed.

House Bill 376 Re-referred

On motion of Senator Colson and by unanimous consent H. B. No. 376 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Counties, Cities and Towns.

House Bill 528 Re-referred

On motion of Senator Cole and by unanimous consent H. B. No. 528 was withdrawn from the Committee on Labor and Management Relations and re-referred to the Committee on Counties, Cities and Towns.

House Bill 613 Re-referred

On motion of Senator Creighton and by unanimous consent H. B. No. 613 was withdrawn from the Committee on Oil and Gas and re-referred to the Committee on Counties, Cities and Towns.

Senate Bill 454 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent S. B. No. 454 was ordered not printed.

Reports of Standing Committees

Senator Crump by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 433, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CRUMP, Chairman.

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 394, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 376, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senate Bill 433 Ordered Not Printed

On motion of Senator Blanchard and by unanimous consent S. B. No. 433 was ordered not printed.

**Senate Resolution 368 on
Second Reading**

The President laid before the Senate as pending business S. R. No. 368 (the resolution having been read on yesterday):

Question—shall S. R. No. 368 be adopted?

(Senator Owen in the Chair.)

Reports of Standing Committees

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 613, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 528, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. B. No. 449, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

House Bill 528 Ordered Not Printed

On motion of Senator Cole and by unanimous consent H. B. No. 528 was ordered not printed.

(President in the Chair.)

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

H. B. No. 162, A bill to be entitled "An Act amending Subsection (1) of Section 9 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the Forty-fifth Legislature, Regular Session, 1937, as last amended by Chapter 225, Acts of the Forty-eighth Legislature, 1943, (compiled as Subsection (1), Section 9 of Article 725b, Vernon's Texas Penal Code), so as to place paregoric within the list of narcotic drugs to be sold by prescription only; and declaring an emergency."

H. B. No. 165, A bill to be entitled "An Act amending Articles 1577 and 1578a, and adding Article 1578b, Penal Code of Texas, 1925, concerning employment of children, repealing Article 5181, Revised Civil Statutes of Texas, 1925, and all other laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 148, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended; Chapter 482, Acts of the 44th Legislature, Third Called Session, 1936, as amended, and as embraced in subsection (d) of Section 4 providing for benefit eligibility conditions; providing for an effective date for this Act; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolutions:

S. C. R. No. 46, Granting a half day holiday to State employees on Good Friday.

H. C. R. No. 22, Petitioning the Congress of the United States to call a convention for the purpose of proposing an amendment to the Constitution of the United States.

Senate Bill 455 on First Reading

Senator Rogers moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at

this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Krueger
Bates	Moffett
Calhoun	Moore
Cole	Owen
Colson	Patman
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Herring	Word
Kazen	

Absent

Blanchard	Parkhouse
Kennard	Ratliff

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Rogers, Krueger and Reagan:

S. B. No. 455, A bill to be entitled "An Act providing for the regulation of the practice of landscape architecture; requiring Landscape Architects to be licensed; providing for the Texas State Board of Landscape Architects, qualification, term of office, vacancies, compensation, time of meetings, rules and regulations; to provide for the examination, licensing, and regulation of Landscape Architects; to provide for examination, reciprocity, and license fees; to define terms used in this Act; to provide exceptions and to exempt Architects, Engineers, City Planners, Land Surveyors, and Nurserymen from registration to this Act; to authorize the Board to revoke licenses; to authorize an injunction for the illegal practice of landscape architecture; to provide penalties for violation of this Act; providing a severability clause; and declaring an emergency."

To the Committee on State Affairs.

Reports of Standing Committees

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 432, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 980, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred S. C. R. No. 31, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 638, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 502, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

House Bill 980 Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent H. B. No. 980 was ordered not printed.

House Bill 432 Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent H. B. No. 432 was ordered not printed.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 675, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PARKHOUSE, Chairman.

Senator Patman by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to whom was referred H. B. No. 460, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATMAN, Chairman.

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 143, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

House Bill 675 Ordered Not Printed

On motion of Senator Parkhouse

and by unanimous consent H. B. No. 675 was ordered not printed.

Senate Concurrent Resolution 31 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. C. R. No. 31 was ordered not printed.

Leave of Absence

Senator Blanchard was granted leave of absence for today on account of important business on motion of Senator Word.

Motion to Adjourn

Senator Crump moved that the Senate stand recessed until 2:00 o'clock p.m. today.

Senator Calhoun moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn. Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—8

Calhoun	Herring
Colson	Krueger
Creighton	Moffett
Crump	Moore

Nays—22

Aikin	Parkhouse
Bates	Patman
Cole	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Kazen	Strong
Kennard	Watson
Owen	Word

Absent—Excused

Blanchard

Question next on the motion to recess until 2:00 o'clock p.m. today. Yeas and Nays were demanded.

The motion was lost by the following vote:

Yeas—10

Calhoun	Creighton
Colson	Crump

Dies	Krueger
Hall	Moffett
Herring	Moore

Nays—20

Aikin	Patman
Bates	Ratliff
Cole	Reagan
Hardeman	Richter
Harrington	Rogers
Hazlewood	Schwartz
Kazen	Spears
Kennard	Strong
Owen	Watson
Parkhouse	Word

Absent—Excused

Blanchard

Senate Resolution 368 on Second Reading

The Senate resumed the consideration of the pending business, same being S. R. No. 368 on its second reading.

Question—Shall S. R. No. 368 be adopted?

(President Pro Tempore in the Chair.)

Senator Herring offered the following amendment to the resolution:

Amend S. R. No. 368 by adding at the end of such resolution the following:

"Be it further resolved that the State Board of Control cause to be cleaned and polished the two cannons installed at the south entrance to the capitol building."

The amendment was read.

Pending discussion by Senator Herring of his amendment, Senator Owen occupied the chair.

(President in the Chair.)

Question—Shall the amendment by Senator Herring to S. R. No. 368 be adopted?

Senate Bill 122 Set as Special Order

Senator Dies moved that S. B. No. 122 be set as special order on Tuesday, April 16, 1963, at 10:30 o'clock a.m.

The motion prevailed by the following vote:

Yeas—23

Aikin	Bates
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Calhoun	Parkhouse
Cole	Patman
Colson	Reagan
Creighton	Richter
Dies	Rogers
Harrington	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Moffett	Word
Owen	

Nays—1

Moore

Absent

Crump	Hazlewood
Hall	Krueger
Hardeman	Ratliff

Absent—Excused

Blanchard

Recess

On motion of Senator Owen the Senate at 12:52 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Senate Resolution 368 on Second Reading

The Senate resumed the consideration of the pending business, same being S. R. No. 368 on its second reading with an amendment by Senator Herring pending.

Question—Shall the amendment by Senator Herring to S. R. No. 368 be adopted?

The amendment by Senator Herring to S. R. No. 368 was then adopted.

On motion of Senator Kazen and by unanimous consent further consideration of S. R. No. 368 was postponed.

Question—Shall S. R. No. 368 as amended be adopted?

Senate Bill 169 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 169, A bill to be entitled "An Act providing a formula for distribution of textbooks on the subject of Homemaking in certain grades and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 169 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No 169 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Bates	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Krueger	

Absent

Crump	Moore
Kennard	

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Moffett
Bates	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Krueger	

Absent

Crump	Moore
Kennard	

Absent—Excused

Blanchard

Senate Bill 101 on Second Reading

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 101, A bill to be entitled "An Act amending Art. 6243h, R. C. S. of Tex., 1925, as amended, by allowing the cumulation of credits for 'creditable service' of an employer employed by two or more participating departments, if certain conditions are met; by providing for the retroactive application of this Act in favor of all persons eligible for benefits under the provisions hereof from and after January 1, 1959; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 101 on Third Reading

Senator Hardeman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Bates	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Krueger	

Absent

Crump	Moore
Kennard	

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 302 on Second Reading

On Motion of Senator Hazlewood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 302, A bill to be entitled "An Act providing for transfer of moneys now on deposit in the State Treasury to the credit of the Motor Carrier Fund, the Oil and Gas Enforcement Fund, the Gas Utilities Fund, and the Liquefied Petroleum Gas Fund to a single fund in the State Treasury to be known as the Railroad Commission Operating Fund; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 302 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 302 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Bates	Owen
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Krueger	

Absent

Crump	Moore
Kennard	

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 336 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 336, A bill to be entitled "An Act amending Section 126, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as last amended (compiled as Article 7880-126 VACS), relating to condemnation proceedings by certain Water Control and Improvement Districts; repealing all laws in conflict; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Spears offered the following amendment to the bill:

Amend S. B. No. 336 by changing "Section 3" and "Section 4" to read as "Section 4" and "Section 5" and adding a new section to be designated as "Section 3" and "Section 3" to read as follows:

"This Act does not apply to any proceedings of condemnation initiated, pending or on appeal, under Section 126, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, (compiled as Article 7880-126, Vernon's Annotated Civil Statutes), as of the effective date of this Act."

The amendment was adopted.

On motion of Senator Word and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 336 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 336 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Haslewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Nays—1

Bates

Absent

Crump

Moore

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Haslewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent

Crump

Moore

Absent—Excused

Blanchard

Senate Joint Resolution 26 on Second Reading

Senator Harrington asked unanimous consent to suspend the regular

order of business and take up S. J. R. No. 26 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up S. J. R. No. 26 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Parkhouse
Bates	Patman
Cole	Reagan
Colson	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Spears
Haslewood	Strong
Kazen	Watson
Kennard	

Nays—7

Calhoun	Moffett
Creighton	Owen
Hardeman	Ratliff
Krueger	

Absent

Crump

Moore

Herring

Word

Absent—Excused

Blanchard

The President laid before the Senate on its second reading and passage to engrossment:

S. J. R. No. 26, Proposing an amendment to Article XVI, section 62 of the section authorizing all political subdivisions of Jefferson County, Texas, to provide Retirement, Disability, and Death Benefits for all appointive officers and employees of all political subdivisions within Jefferson County; providing for the necessary election, form of ballot, proclamation and publication.

The resolution was read second time and was passed to engrossment.

Senate Bill 129 on Second Reading

On motion of Senator Calhoun and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 129, A bill to be entitled "An Act amending Acts 1955, 54th Legislature, Page 1292, Chapter 512, (Article 548b, Vernon's Texas Civil Statutes), pertaining to the regulation and sale of pre-need funeral merchandise and service contracts; deleting certain exemptions from the Act; making certain provisions and changes as to the character and type of contracts covered by the Act and the regulation of the same; regulating the solicitation of the designation of funeral services and merchandise desired by an individual; providing that delivery of merchandise prior to death shall not constitute performance; providing that the permit required by said Act shall be issued by the Banking Commissioner; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Calhoun offered the following amendment to the bill:

Amend S. B. No. 129 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Section 1 of Acts 1955, 54th Legislature, page 1292, Chapter 512, is hereby amended so that it will hereafter be as follows:

Section 1. Any individual, firm, partnership, corporation, or association (hereinafter called 'organization' or 'Seller'), desiring to sell pre-arranged or prepaid funeral services or funeral merchandise (including caskets, grave vaults, and all other articles of merchandise incidental to a funeral service, but excluding grave lots, grave spaces, grave markers, monuments, tombstones, crypts, niches, and mausoleums) in this State, under any contract, expressed or implied, providing for prepaid burial or funeral benefits or merchandise (hereinafter called 'prepaid funeral benefits'), or who shall solicit the designation by an individual of the items of funeral merchandise or services which he desires to be provided out of any fund, investment, debenture, security, or contract to be created or purchased by such individual at the suggestion or solicitation of the organization shall obtain a permit from the State Banking Department of this State authorizing the transaction of this type of business, before conducting such business. Seller shall

not be entitled to enforce a contract made in violation of this Act, but the purchaser or his heirs, or legal representative, shall be entitled to recover all amounts paid to the seller under any contract made in violation thereof, and all amounts paid whether or not paid Seller, to any fund or for any investment, debenture, security, or contract where the seller has violated the provisions of this Act. Delivery of funeral merchandise prior to death shall not constitute performance or fulfillment, either wholly or in part, of any prepaid funeral benefits contract entered into after the effective date of this amendatory Act.

Provided, however, that grave lots, grave spaces, grave markers, monuments, tombstones, crypts, niches, and mausoleums shall not be excluded from the provisions of this section when these items and articles are sold in contemplation of trade or barter for services and articles designated as included by the provisions of this section.

Section 2. Section 1a of Acts 1955, 54th Legislature, page 1292, Chapter 512, is repealed and a new Section 1a is added as follows:

Section 1a. No organization covered by this Act shall solicit by any means whatsoever the designation by an individual of funeral services or merchandise which he desires to be provided to be paid out of any fund, investment, debenture, security, or contract, to be created or purchased by or for such an individual at the suggestion or solicitation of the organization, unless such a fund is to be created by a contract of insurance with an insurance company licensed in Texas, or unless such fund, investment, debenture, security, or contract shall have been approved by the Banking Department as safeguarding the rights and interests of the individual and his heirs and assigns to substantially the same or greater degree as is provided with respect to funds regulated by Section 5 hereof.

Section 3. Section 3, Acts 1955, 54th Legislature, page 1292, Chapter 512, is hereby amended to read as follows:

Section 3. Each organization desiring to sell prepaid funeral benefits shall file an application for a permit with the State Banking Department and shall pay a filing fee of Twenty-five Dollars (\$25.00). The Banking

Commissioner shall issue a permit upon receipt of the application and payment of the filing fee. Permits shall expire on March 1st each year, but may be renewed for a period of one (1) year upon payment of a fee of Ten Dollars (\$10.00) on or before March 1st.

Section 4. Section 5, Acts 1955, 54th Legislature, Page 1292, Chapter 512, (Article 548b, Vernon's Texas Civil Statutes) is hereby amended to read as follows:

Section 5. All sums heretofore or hereafter paid or collected on contracts for prepaid funeral benefits entered into prior to the effective date of this Act shall be handled in accordance with the manner in which they have heretofore been handled. All sums paid or collected on such contracts entered into after the effective date of this Act (with the exception of those paid where a contract of insurance is created or those approved by the Banking Department, as both are provided for in Section 1a of this Act) shall be handled in the following manner:

(1) The funeral home (or other entity collecting said funds) may retain as its own money, for the purpose of covering its selling expenses, servicing costs, and general overhead, an amount not to exceed one-half of all funds so collected or paid until it has received for its use and benefit an amount not to exceed ten percent of the total amount agreed to be paid by the purchaser of such prepaid funeral benefits as such total amount is reflected in the contract. No charges or assessments, except premiums collected on an insurance policy guaranteeing the payments on a prepaid funeral contract or the unpaid balance thereof, shall be collected from the purchaser other than those included in the total amount of said contract.

(2) All amounts paid or collected, with the exception of those permitted to be retained as set forth above, shall, within thirty days after such collection, be (a) deposited in a savings and loan association in this State, or (b) deposited in a state or national bank in this State, or (c) placed with the trust department for the use and benefit of the purchasers in a state or national bank in this State to be invested by such trust department in accordance with the terms and provisions of the Texas

Trust Act. Such deposits or trust accounts shall be carried in the name of the funeral home or other entity to whom the purchaser makes payment, but accounting records shall be maintained showing the amount deposited or invested with respect to any particular purchaser's contract.

(3) The date of death of the purchaser or such contract (or other individual who may be designated in the contract as the person for whose funeral such funds may be used) shall be the maturity date of the contract, and as soon as conveniently practicable after such maturity date and upon presentation of a certified copy of the death certificate of such person together with proper affidavits as may be required by the State Banking Department, such funds shall be released in fulfillment of the contract, and the funeral home (or other entity to the contract which has collected the funds) shall, if the amount so withdrawn does not equal one hundred percent of the total amount paid under such contract, make up the difference so that the amount available for funeral benefits shall equal one hundred percent of the total amount paid in under such contract. Any amounts accumulated at maturity on any particular contract in excess of one hundred percent of the amount paid in on such contract shall be available to the funeral home (or other entity collecting said funds) in making up the difference on any particular contract which at maturity did not have funds available equal to one hundred percent of the amount paid under such contract. It is provided further that at any time the total funds deposited or placed in trust plus accrued interest thereon on all such contracts of any particular funeral home or entity exceeds one hundred percent of the amount paid in on all such contracts, thereafter upon maturity of any contract the amount available for funeral benefits shall be increased by the proportionate amount of such excess as said purchaser's contract bears to the total amount paid in on all such contracts of the particular funeral home or entity. In no event shall more funds be withdrawn from the trust account than originally placed into the fund under any one contract other than through the payment to the purchaser or his estate of accrued interest earned in excess of the face amount of the contract; and in no event shall

any accrued interest be paid to the seller.

(4) In the event a purchaser under a contract should desire to cancel the contract prior to maturity, such cancellation may be accomplished by the purchaser giving fifteen days notice in writing to the State Banking Department and to the seller of the contract, and thereafter, upon written authorization from the State Banking Department, such purchaser may withdraw the funds in such depository being held for his use and benefit; provided, however, such purchaser shall be entitled to withdraw and receive only the actual amounts paid in by him less the amounts permitted to be retained as provided in Subsection (1) hereof.

Section 5. If any provision of this Act or the application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 6. The fact that certain defects prevent effective enforcement in the public interest in certain areas under the existing law regulating pre-need funeral contracts creates a need for further legislation and the importance of such legislation along with the crowded condition of the docket create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three (3) several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted.

On motion of Senator Calhoun and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 129 on Third Reading

Senator Calhoun moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that

S. B. No. 129 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Bates	Moffett
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent

Crump Moore

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Absent

Crump

Absent—Excused

Blanchard

Senate Bill 165 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this

time on its second reading and passage to engrossment:

S. B. No. 165, A bill to be entitled "An Act creating within the Governor's office a commission to be known as the 'Vehicle Equipment Safety Commission'; etc.; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following amendment to the bill:

Amend Section 1 of S. B. 165 by striking the period following the word "Act" in line 27 of page 1 and inserting in place therefor a comma and adding thereafter the following:

"and shall furnish from among its members the representation for the State of Texas on the Vehicle Equipment Safety Commission established by the Vehicle Equipment Safety Compact."

The amendment was adopted.

Senator Parkhouse offered the following amendment to the bill:

Amend Section 2 of S. B. 165 by striking lines 28, 29, 30, and 31 of page 1 and substituting therefor the following:

Section 2. The Governor is hereby authorized to declare the adherence of this state to safety compact agreements with any state in order to:

The amendment was adopted.

Senator Parkhouse offered the following amendment to the bill:

Amend S. B. 165 by striking all of Section 3, lines 41 and 42 of page 1, and substituting therefor the following:

Section 3. The safety compact agreement authorized in Section 2 of this Act shall provide for the adoption by this state of rules, regulations or codes relating to vehicle equipment safety in the manner contemplated by Article V of subsection (e) of the Vehicle Equipment Safety Compact, and shall provide substantially the following:

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 165 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 165 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Nays—1

Hardeman

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 58, Commending Dr. Charles W. Castner for his service to the State of Texas.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Reports of Standing Committee

Senator Dies by unanimous consent submitted the following reports:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 627, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 577, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that

DIES, Chairman.

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 556, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DIES, Chairman.

Senate Bill 230 on Second Reading

Senator Owen asked unanimous consent to suspend the regular order of business and take up S. B. No. 230 for consideration at this time.

Senator Spears raised the point of order that Senate Bill No. 230 is out of order in that it violates Article I, Section 8 of the Texas Constitution.

The President overruled the point of order.

There was objection to suspending the regular order of business to take up S. B. No. 230 at this time.

Senator Owen then moved to suspend the regular order of business and take up S. B. No. 230 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Krueger
Bates	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Ratliff
Dies	Reagan
Hall	Rogers
Hardeman	Watson
Hazlewood	Word

Nays—9

Cole	Richter
Harrington	Schwartz
Kazen	Spears
Kennard	Strong
Patman	

Absent

Herring

Absent—Excused

Blanchard

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 230, A bill to be entitled "An Act prohibiting the display of the flag of the United Nations on any property owned by the state, or owned by any city, county or political subdivision of the state; repealing all laws in conflict; and declaring an emergency."

The bill was read second time.

Senator Owen offered the following committee amendment to the bill:

Amend Senate Bill No. 230 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. It shall be unlawful for any person, association, organization, group, or corporation, or any person acting as an agent, employee or in any other capacity for any corporation, association, organization or group to display the emblem or flag of the United Nations on any type of building or flag pole owned or leased by the state or any political subdivision thereof. This prohibition shall extend to properties owned or leased by counties, cities, or state colleges or universities, and is intended to prohibit any manner of official display whatsoever.

"Sec. 2. If any person, association, organization, group, or corporation, or any person acting as an agent, employee, or in any other capacity for any of the above shall violate any provision of this act, such person, association, organization, group, or corporation, or any person acting as an agent, employee, or in any other capacity for any of the above shall be fined not less than \$25.00 (Twenty-five Dollars) nor more than \$200.00 (Two Hundred Dollars), or any person or persons acting as an agent, employee, or in any other capacity shall be confined to the county jail for a period not to exceed one (1) year, or any person or person acting as an agent, employee, or in any other capacity for any of the above shall be both fined and confined to the county jail for the amounts and time as are herein stated. Each day on which such person, association, organization, group, or corporation, or any person acting as an agent, employee, or in any other capacity for any of the above shall cause or permit any section of this act to be violated shall constitute and be a separate offense.

"Sec. 3. All laws or parts of laws in conflict with the provisions of this act are repealed to the extent of such conflict only.

"Sec. 4. The importance of this legislation and the crowded condition of the calendar in both houses creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

The committee amendment was adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Patman, Spears, Richter, Harrington and Schwartz asked to be recorded as voting "Nay" on passage of S. B. No. 230 to engrossment.

Motion to Place Senate Bill 230 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 230 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—18

Aikin	Hazlewood
Bates	Moffett
Calhoun	Owen
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Rogers
Hall	Watson
Hardeman	Word

Nays—9

Cole	Richter
Harrington	Schwartz
Herring	Spears
Kennard	Strong
Patman	

Absent

Kazen	Moore
Krueger	

Absent—Excused

Blanchard

Senate Bill 91 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 91, A bill to be entitled "An Act authorizing establishment of Rehabilitation districts to provide education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 91 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three

several days be suspended and that S. B. No. 91 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Krueger	Word

Absent

Kazen Kennard

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 361 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 361, A bill to be entitled "An Act amending Section 3 of Article 2654b-1, of Vernon's Civil Statutes of the State of Texas, providing that children of members of the Texas National Guard and the Texas Air National Guard killed on active duty may receive benefits of Section 1 thereof; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 361 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 361 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kennard	Word
Krueger	

Absent

Kazen

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Notice of Executive Session

Senator Herring gave notice that he would on tomorrow move for an Executive Session at 11:30 o'clock a.m.

Senate Bill 305 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 305, A bill to be entitled "An Act to amend subsection a. of Section 1(4) in Article III of Senate Bill 116, Chapter 334, Acts 51st Legislature, Regular Session, 1949, as last amended in Section 1 of Senate Bill 70, Chapter 386, Acts 55th Legislature, Regular Session, 1957 (Article 2922-13, Sec. 1(4)a, V.T.C.S.), to increase the age eligibility for exceptional children program benefits; providing for an effective date of this Act; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 305 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 305 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word
Krueger	

Absent

Kennard

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Krueger
Bates	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Blanchard

Message from the House

Hall of the House of Representatives

April 9, 1963.

Austin, Texas,

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 167, A bill to be entitled "An Act authorizing the establishment of rehabilitation districts to provide education, training, special services and guidance for handicapped persons; providing for its financing and administration; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 262 on Second Reading

Senator Kennard asked unanimous consent to suspend the regular order of business and take up S. B. No. 262 for consideration at this time.

There was objection.

Senator Kennard then moved to suspend the regular order of business and take up S. B. No. 262 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Moffett
Bates	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Hall	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Nays—5

Crump	Moore
Dies	Owen
Hardeman	

Absent—Excused

Blanchard

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 262, A bill to be entitled "An Act amending Article 725b of the Penal Code, Acts 1937, 45th Legislature, p. 333, Chapter 169, amending Sec. 8 as amended, Acts 1941, 47th Legislature, p. 647, Chapter 392, Paragraph 1, in regard to exempt preparations; by amending Sec. 9, subsection (1) as amended, Acts 1941, 47th Legislature, p. 647, Chapter 392, Paragraph 2; Acts 1953, 53rd Legislature, p. 812, Chapter 328, Paragraph 4, in regard to records to be kept and to purchases without prescriptions; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Kennard offered the following committee amendment to the bill:

Amend Senate Bill 262 by adding a sub-paragraph (11) after sub-paragraph (10) in Section 1 thereof to read as follows:

"(11) Pharmaceutical preparations in emulsion form containing not more than 15 milligrams of opium per 29.5729 cc. (1 fl. oz.)."

The committee amendment was adopted.

Senator Kennard offered the following committee amendment to the bill:

Amend Senate Bill 262 by striking out "and (9)" in the paragraph in Section 1 thereof which starts "The exemptions in subsections . . .", and substitutes the following:

"(9), and (11)."

The committee amendment was adopted.

On motion of Senator Kennard and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Hardeman, Crump, Owen and Moore asked to be recorded as voting "Nay" on the passage of S. B. No. 262 to engrossment.

Senate Bill 262 on Third Reading

Senator Kennard moved that the

Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 262 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Krueger
Bates	Moffett
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word

Nays—4

Crump	Moore
Hardeman	Owen

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Moore, Crump, Owen, Hardeman and Krueger asked to be recorded as voting "Nay" on the final passage of S. B. No. 262.

House Bill 577 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent H. B. No. 577 was ordered not printed.

House Bill 556 Ordered Not Printed

On motion of Senator Rogers and by unanimous consent H. B. No. 556 was ordered not printed.

Senate Bill 239 on Second Reading

On motion of Senator Krueger and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 239, A bill to be entitled

"An Act to amend Sections 15 and 16 of Chapter 514, Acts of the 54th Legislature, Regular Session, 1955 (compiled as Article 678m, Vernon's Texas Civil Statutes), providing for the acquisition of lands upon which are located historic and prehistoric sites and other historical features by the State Building Commission, allowing certification or authentication by the Texas State Historical Survey Committee, authorizing the erection and maintenance of historic monuments or memorials, the locating and marking of graves of former Texas heroes, the maintenance of monuments and memorials erected by the State of Texas; etc.; and declaring an emergency."

The bill was read second time.

Senator Krueger offered the following amendment to the bill:

Amend S. B. No. 239 by striking out all of Section 2 and inserting in lieu thereof the following:

"Sec. 2. Chapter 514, Acts of the 54th Legislature, 1955 (compiled as Article 678m, Vernon's Texas Civil Statutes) is hereby amended by adding a new section thereto to be known as Section 16A, to read as follows:

"Section 16A. The Commission is hereby authorized to acquire by gift, devise, purchase, or by its general power of eminent domain set out in Section 6 above, any lands on which are situated historic buildings, sites, or landmarks of statewide historical significance associated with historic events or personalities, or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological sites, sites including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological, or historic features, within the limits of the State of Texas. The right of eminent domain conferred above as relating to historical sites, buildings, and structures shall not be exercised except upon a proper showing that it is necessary to prevent destruction or deterioration of the historical site, building or structure. The Commission is hereby authorized to request from the Texas State Historical Survey Committee a certification or authentication of the worthiness of preservation of the features listed above."

The amendment was adopted.

On motion of Senator Krueger and

by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Hardeman and Crump asked to be recorded as voting "Nay" on the passage of S. B. No. 239 to engrossment.

Senate Bill 239 on Third Reading

Senator Krueger moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S. B. No. 239 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Bates	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Reagan
Dies	Richter
Hall	Rogers
Harrington	Schwartz
Hazlewood	Spears
Herring	Strong
Kazen	Watson
Kennard	Word
Krueger	

Nays—3

Crump	Ratliff
Hardeman	

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

Record of Votes

Senators Hardeman, Crump, Ratliff and Rogers asked to be recorded as voting "Nay" on the final passage of S. B. No. 239.

Report of Standing Committee

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
April 9, 1963.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 622, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

House Bill 622 Ordered Not Printed

On motion of Senator Moffett and by unanimous consent H. B. No. 622 was ordered not printed.

Senate Bill 90 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 90, A bill to be entitled "An Act authorizing and providing for the purchase of educational motion picture films by the State Board of Education for the use and benefit of the Texas public school system; etc.; and declaring an emergency."

The bill was read second time.

Senator Strong offered the following amendment to the bill:

Amend S. B. 90 by inserting at the end of Article III on page 2, line 6, the following sentence: "It is specifically provided that no regional film library shall be approved unless same shall serve not less than 20,000 scholastics; and provided further that there shall not be more than one regional film library in any county."

The amendment was adopted.

On motion of Senator Rogers and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

Senate Bill 90 on Third Reading

Senator Rogers moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three

several days be suspended and that S. B. No. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Moffett
Bates	Parkhouse
Cole	Patman
Colson	Ratliff
Dies	Reagan
Hall	Richter
Harrington	Rogers
Hazlewood	Schwartz
Herring	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Nays—5

Calhoun	Hardeman
Creighton	Owen
Crump	

Absent

Moore

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Crump and Owen asked to be recorded as voting "Nay" on the final passage of S. B. No. 90.

Motion to Adjourn

Senator Crump moved that the Senate stand adjourned until 10:00 o'clock a.m. tomorrow.

Question on the motion to adjourn, Yeas and Nays were demanded.

The motion to adjourn was lost by the following vote:

Yeas—9

Calhoun	Herring
Creighton	Moffett
Crump	Owen
Hardeman	Schwartz
Hazlewood	

Nays—20

Aikin	Parkhouse
Bates	Patman
Cole	Ratliff
Colson	Reagan
Dies	Richter
Hall	Rogers
Harrington	Spears
Kazen	Strong
Kennard	Watson
Krueger	Word

Absent

Moore

Absent—Excused

Blanchard

Senate Bill 298 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 298, A bill to be entitled "An Act amending Section 4a, Chapter VII, Article 9, of the Texas Banking Code of 1943, codified as Article 342-709, Revised Civil Statutes of Texas, 1925, by adding a provision prohibiting banks from disclosing the amount deposited by any depositor to third parties except where the depositor or the bank is made a proper or necessary party in a court of competent jurisdiction; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 298 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 298 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Dies
Bates	Hall
Calhoun	Hardeman
Cole	Harrington
Colson	Hazlewood
Creighton	Herring
Crump	Kazen

Kennard	Richter
Krueger	Rogers
Moffett	Schwartz
Owen	Spears
Parkhouse	Strong
Patman	Watson
Ratliff	Word
Reagan	

Absent

Moore

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 299 on Second Reading

Senator Patman asked unanimous consent to suspend the regular order of business and take up S. B. 299 for consideration at this time.

There was objection.

Senator Patman then moved to suspend the regular order of business and take up S. B. No. 299 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Moffett
Bates	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Dies	Schwartz
Hall	Spears
Harrington	Strong
Herring	Word
Kazen	

Nays—5

Kennard	Rogers
Krueger	Watson
Owen	

Absent

Crump	Hazlewood
Hardeman	Moore

Absent—Excused

Blanchard

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 299, A bill to be entitled "An Act creating 'Aransas County Conservation and Reclamation District' under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that the ad valorem plan of taxation shall be used by the District and limiting the amount thereof; specifying the purpose and powers of the District; etc., and declaring an emergency."

The bill was read second time.

Senator Patman offered the following committee amendment to the bill:

Amend Senate Bill No. 299, Section 4, page 6, line 4 by striking out the period after the word "purposes" and adding a comma and add the following:

"but the district shall not have the power to construct or maintain a sewer system."

The committee amendment was adopted.

Senator Patman offered the following committee amendment to the bill:

Amend Senate Bill No. 299, Section 4, sub-section (10) line 2, page 8 by striking out the period after the word "Texas" and inserting a comma and add the following:

"provided, however, the power of eminent domain shall not apply to any existing or future private water supply."

The committee amendment was adopted.

Senator Patman offered the following committee amendment:

Amend Senate Bill No. 299, Sec-

tion 11, line 5, page 15, by adding a comma after the word "taxes" and insert the following:

"within the fifty cent (50¢) tax limit provided for in Section 2 hereof,"

The committee amendment was adopted.

Senator Patman offered the committee amendment to the bill:

Amend Senate Bill No. 299, Section 17, line 16, page 17, by striking out the period after the word "taxes" and add the following:

"using the county tax rolls."

The committee amendment was adopted.

Senator Patman offered the following amendment to the bill:

Amend S. B. No. 299, as printed, by striking the words "Counties of Aransas, San Patricio and Refugio" as the same appear on line 27 of page 5 and substituting the following words in lieu thereof:

"County of Aransas."

The amendment was adopted.

Senator Patman offered the following amendment to the bill:

Amend S. B. No. 299, by inserting after the word "assessed" in the first line of Section 17, the words:

"at the same value as that used for county and State purposes"

The amendment was adopted.

Senator Kennard offered the following amendment to the bill:

Amend Section 1 of Senate Bill No. 299 by striking the words "and the boundaries of said district shall be identical with the boundaries of said county" and inserting in lieu thereof "except that part of the County described on the Tax Rolls of Aransas County, Texas, as follows:

Lots	Blocks	Subdivision	Acres
2, 3, 4	1, 2	Power & Hewiston	15,498
1 to 4	3-4	Wm. Little	320
99	3	"	320
100	4	"	320
101	5	"	320
102	7	"	320
103	8	"	320
104	9	"	320
105	10	"	320

Lots	Blocks	Subdivision	Acres
106	12	"	320
107	1	"	160
108	1	"	160
109	16	"	320
110	17	"	320
111	18	"	320
114	221	"	640
S. end of St. Joseph Island			597
115	52	Wm. Little	320
116	53	"	640
117	61	"	126
118	61	"	194
119	83	"	320
120	85	"	276
123	129	"	640
124	135	"	640
126	134	"	640
127	132	"	640
128	133	"	640
129	318	"	240
130	318	"	80
131	319	"	240
133	320	"	320
134	321	"	320
135	322	"	320
136	842	"	640
137	35	"	320
138	21	"	320
139	22	"	160
140	22	"	160
141	18	"	160
142	46	"	160
143	46	"	160
144	57	"	320
145	80	"	320
146	56	"	80
147	56	"	60
132	319	"	80
Excess Acreage			1,889
TOTAL			32,000

The amendment was read.

Senator Patman moved to table the amendment.

On motion of Senator Patman the amendment was tabled.

Senator Kennard offered the following amendment to the bill:

Amend Senate Bill No. 299 by inserting a new section to be known as Section 5a as follows:

"Section 5a. Before any election is called for authorization of bonds there may be exclusions of land or other property if such exclusions are deemed practicable, just or desirable, from the district, by means and upon conditions as follows:

"The directors of the district must before the holding of such election give notice of a time and place of a hearing to announce their own conclusions as to exclusions of lands or other property and to receive petitions for exclusion of land or other property. Such notice shall be published in one or more newspapers which will give general circulation in the district. The notice of such hearing shall be published once a week for two (2) consecutive weeks. The first of such publication shall appear not less than fifteen (15) days, nor more than forty (40) days, prior to the date of the hearing. Said notice shall give advice to all interested property owners of their right to present petitions for exclusions and

to offer evidence in support thereof, or to contest any proposed exclusion and offer evidence in support thereof, whether to be based on a petition or upon the Board's own conclusions. Petitions for exclusion of lands must accurately describe the metes and bounds of such lands. Petitions for exclusions of other property shall describe the same for identification.

"In order to give the district opportunity to investigate the physical conditions of property sought to be excluded, all petitions for exclusions shall be filed with the district not later than ten (10) days prior to the hearing, must clearly set out the particular grounds on which the exclusion is sought and consideration shall be confined to the stated grounds. The grounds upon which exclusions from such districts may be made are as follows:

"(a) That to retain certain lands, or other property, within the district's taxing power would be arbitrary, not required to conserve the public welfare, and would in fact impair or destroy the value of the property desired to be excluded, and would in fact constitute the arbitrary imposition of a confiscatory burden.

"(b) That to retain any given land, or other property, in the district and to extend to it, either presently or in the future, the benefits, service or protection of the district's works and facilities cannot be done without creating an undue and uneconomic burden on the remainder of the district.

"(c) That the lands desired to be excluded cannot be bettered as to conditions of living and health, or served with water, or protected from flood, or drained or rendered free from interruption of traffic caused by any excess of water on the roads, highways, or other means of transportation serving such land, or otherwise benefited by the district's proposed improvements.

"The hearing may be adjourned from one day to another and until all persons who desire to be heard are heard. Immediately on the hearing the directors shall specifically describe all property which they, on their own motion, proposed to exclude, and shall first hear protests and evidence against such exclusions.

"If upon consideration of all engineering data in hand, and the other evidence, the directors determine that

the facts disclose the affirmative of the propositions stated in paragraphs (a) or (b), or, in appropriate case, in paragraph (c) of this Section, then they shall enter of record their order excluding all lands, or other property, falling within the conditions of said respective paragraphs defined, and shall in said order redefine the boundaries of the district to embrace all lands not excluded. Anyone owning land or an interest in land affected by such order may within twenty (20) days after the effective date of such order, file a petition in an action to review, set aside, modify or suspend such order. The venue in any action shall be in any District Court having jurisdiction in the county wherein the district lies. If the district includes land in more than one county, the venue shall be in the District Court having jurisdiction in the county wherein lies the major portion in acreage of the land sought to be excluded from the district. In all suits brought to review, modify, suspend or set aside the order of the board of directors, the trial shall be de novo, as that term is used and understood in an appeal from a Justice of the Peace Court to the County Court. In such de novo trials, no presumption of validity or reasonableness or presumption of any character shall be indulged in favor of any such order, but determination will be made upon facts found therein, as in other civil cases, and the procedure for such trials and the determination of the orders and judgments to be entered therein shall be governed solely by the rules of law, evidence and procedure prescribed for the courts of this State by its Constitution, statutes and rules of procedure applicable to the trial of civil actions. It is the intent of the Legislature that such trial shall be strictly de novo and that the decision in each such case shall be made independently of any action taken by the board of directors upon a preponderance of the evidence adduced at such trial and entirely free of the so-called "substantial evidence" rule enunciated by the courts in respect to order of other administrative or quasi-judicial agencies. Any party aggrieved by any judgment or order of a district court in any suit or judicial proceeding brought under the provisions of this Chapter shall have the right to review on appeal to the Court of Civil Appeals, and by

appeal or writ of error to the Supreme Court, as in other civil cases in which the district court has original jurisdiction, and subject to the statutes and rules of practice and procedure in civil cases."

The amendment was read.

Senator Patman moved to table the amendment.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—19

Aikin	Kazen
Bates	Moffett
Calhoun	Patman
Cole	Reagan
Colson	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Strong
Hazlewood	Watson
Herring	

Nays—6

Creighton	Ratliff
Kennard	Spears
Krueger	Word

Absent

Crump	Owen
Hardeman	Parkhouse
Moore	

Absent—Excused

Blanchard

On motion of Senator Patman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 299 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 299 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Calhoun
Bates	Cole

Colson	Patman
Creighton	Ratliff
Dies	Reagan
Hall	Richter
Harrington	Rogers
Hazlewood	Schwartz
Herring	Spears
Kazen	Strong
Moffett	Watson
Owen	Word
Parkhouse	

Nays—2

Kennard	Krueger
---------	---------

Absent

Crump	Moore
Hardeman	

Absent—Excused

Blanchard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Moffett
Bates	Owen
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Dies	Richter
Hall	Rogers
Harrington	Schwartz
Hazlewood	Strong
Herring	Watson
Kazen	

Nays—5

Creighton	Spears
Kennard	Word
Krueger	

Present—Not Voting

Parkhouse

Absent

Crump	Moore
Hardeman	

Absent—Excused

Blanchard

Welcome Resolutions

S. R. No. 372—By Senator Watson: Extending welcome to students and teachers of Rockdale High School of Rockdale.

S. R. No. 373—By Senator Herring: Extending welcome to students and teachers of 8th Grade Class, Leander School of Leander.

S. R. No. 374—By Senator Hall: Extending welcome to Judge A. S. Broadfoot of Bonham.

S. R. No. 375—By Senator Hall: Extending welcome to Mr. Weldon Williams of Sherman, Texas.

S. R. No. 376—By Senator Rogers: Extending welcome and privileges of the floor to Mr. and Mrs. Gene Balenger of Plainview.

S. R. No. 377—By Senators Strong and Hall: Extending welcome to the Honorable Tommie Penry of Rusk.

S. R. No. 378—By Senators Krueger and Colson: Extending welcome to the Honorable Reese B. Lockett of Brenham.

Adjournment

On motion of Senator Hazlewood the Senate at 5:30 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

FIFTY-THIRD DAY

(Wednesday, April 10, 1963)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moffett
Calhoun	Moore
Cole	Owen
Colson	Parkhouse
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Kazen	Word

Absent—Excused

Rogers

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Rogers was granted leave of absence for today on account of important business on motion of Senator Owen.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 10, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 523 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House has appointed the following conferees: Moyer, Simpson, Knapp, Heatly and Thompson.

The House has concurred in Senate amendments to House Bill No. 39 by non-record vote.

S. C. R. No. 43, Arranging for a portrait of Governor Price Daniel to be placed in the rotunda of the Capitol.

S. B. No. 52, A bill to be entitled "An Act amending Sections 2 and 9 of Acts, 53rd Legislature, Regular Session, Chapter 209, as amended (and codified as Section 2 and 9 of Article 6701c-1 of Vernon's Civil Statutes); and declaring an emergency."

S. B. No. 248, A bill to be entitled "An Act amending Article 2095 of the Revised Civil Statutes of Texas, 1925, as amended; relating to procedure for the selection of juries in certain counties and changing the population bracket from one hundred and fifty thousand (150,000) to one hundred and forty thousand (140,000) and providing for the employment of typists and payment of other expenses; and declaring na emergency."

S. B. No. 293, A bill to be entitled "An Act providing the Brown County Water Improvement District No.